

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED PARCEL SERVICE, INC., : Civil Action No.
Plaintiff, : 1:12-cv-07961-SAS
: **DEFENDANT LEXINGTON
INSURANCE COMPANY'S
MOTION TO FILE UNDER SEAL
LEXINGTON'S OPPOSITION
TO PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT
AND SUPPORTING DOCUMENTS**
-against-
LEXINGTON INSURANCE COMPANY, :
Defendant. :
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PLEASE TAKE NOTICE that the undersigned hereby moves this Court on behalf of Defendant Lexington Insurance Company (“Lexington”), with no objection from Plaintiff United Parcel Service, Inc. (“UPS”), before the Honorable Shira A. Scheindlin at the courthouse located at 500 Pearl Street, New York, New York, 10007 for an order allowing Lexington to file under seal its Opposition to Plaintiff’s Motion for Partial Summary Judgment as well as its supporting documents due to the reference of a Commercial General Liability Policy issued by Liberty Mutual to UPS, which is currently protected by a confidentiality agreement.

This unopposed motion is based on the below Memorandum, the Declaration of Ryan C. Chapoteau in Support of Defendant’s Lexington Insurance Company’s Motion to File Under Seal Lexington’s Opposition to Plaintiff’s Motion for Partial Summary Judgment and Supporting Documents, and annexed documents.

Dated: New York, New York
July 24, 2013

SEDGWICK LLP
By: /s/ Ryan C. Chapoteau
J. Gregory Lahr (JL9969)
Ryan C. Chapoteau (RC1986)
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MEMORANDUM IN SUPPORT OF LEXINGTON INSURANCE COMPANY'S MOTION TO FILE UNDER SEAL LEXINGTON'S OPPOSITION TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND SUPPORTING DOCUMENTS

Lexington respectfully moves this Court for an order sealing its Opposition to Plaintiff's Motion for Partial Summary Judgment because the supporting memorandum of law and declaration of J. Gregory Lahr references a Commercial General Liability Policy issued by Liberty Mutual to UPS (the "Liberty Mutual Policy").

The parties in this action agreed to a Stipulation and Agreement Regarding Discovery Confidentiality (the "Confidentiality Agreement") in which UPS and Lexington agreed to protect confidential information, such as the Liberty Mutual Policy. (Declaration of Ryan C. Chapoteau dated July 24, 2013, Exhibit A). Although the Liberty Mutual Policy is subject to the Confidentiality Agreement, the information contained within is relevant to the dispute at issue in Plaintiff's Motion for Partial Summary Judgment. One of Lexington's coverage defenses involves the Other Insurance Condition in the Liberty Mutual Policy and, therefore, Lexington seeks to submit the Liberty Mutual Policy to the Court in support of its Opposition to Plaintiff's Motion for Partial Summary Judgment. Adhering to the Confidentiality Agreement, which precludes filing the Liberty Mutual Policy in public record, Lexington respectfully requests permission to file the Liberty Mutual Policy under seal. UPS agrees that the Liberty Mutual Policy should be filed under seal and, therefore, there is no opposition to this motion.

WHEREFORE, for the foregoing reasons, Lexington respectfully requests permission to file its Opposition to Plaintiff's Motion for Partial Summary Judgment, and supporting papers, under seal.

Dated: New York, New York
July 24, 2013

SEDGWICK LLP
By: /s/ Ryan C. Chapoteau
J. Gregory Lahr (JL9969)
Ryan C. Chapoteau (RC1986)
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AFFIRMATION OF SERVICE

I, RYAN C. CHAPOTEAU, ESQ., hereby certify that on the 24th day of July, 2013, the within Defendant Lexington Insurance Company's Motion to File Under Seal Lexington's Opposition to Plaintiff's Motion for Partial Summary Judgment and Supporting Documents and Memorandum was filed, and was served to the counsel on record via Electronic Filing at the email addresses provided therein.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
July 24, 2013

By: /s/ Ryan C. Chapoteau
Ryan C. Chapoteau (RC-1986)